

**EXHIBIT 1**

Selections from the Deposition of Christina Berti, Esq. dated July 26, 2019

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 -----X

5 NEIL ABROMAVAGE,  
6 Plaintiff,

7 -against- Case No.

1:18-cv-06621-VEC

8 DEUTSCHE BANK SECURITIES  
9 INC.; JEFFREY BUNZEL, in his  
10 official and individual capacities;  
11 and MARK HANTHO, in his  
12 official and individual capacities.,  
13 Defendants.

14 -----X

15  
16 \* \* C O N F I D E N T I A L \* \*

17  
18 DEPOSITION OF CHRISTINA BERTI

19 New York, New York

20 July 26, 2019

21  
22  
23

24 JOB NO. 165167

25 Reported by: BONNIE PRUSZYNSKI, RMR, RPR, CLR

1 C. Berti

2           A.       I don't know how things changed. I  
3       know that he reported to us that he felt that  
4       things have changed.

5 Q. How did he report to you things  
6 have changed?

7           A.        How?    In our meeting.    He described  
8    what he considered to be change.

9           Q.     What I meant to say is, in what way  
10   had things changed according to his  
11   description?

12           A.       He said he felt that he had been  
13        excluded from certain meetings and activities  
14        related to the business.

15 Q. Were you aware that -- withdrawn.

16                   Did Mr. Abromavage tell you that he  
17                   had been in discussions to move to a  
18                   different group?

19 A. I don't recall.

20 Q. What group did Mr. Abromavage work  
21 at?

22 A. He worked in ECM.

23 Q. Were you ever aware that he had  
24 been in discussions to move to a covered role  
25 in the financial institutions group, the FIG

1 C. Berti

2 group?

3 A. I don't recall which group but that  
4 he was considering other positions, but I  
5 don't recall which they were specifically.

6 Q. Do you recall Mr. Abromavage  
7 telling you that the discussions ceased  
8 following Mr. Gurandiano's termination?

9 A. Which discussions?

10 Q. About his move to a different  
11 position.

12 A. I don't recall.

13 Q. Did Mr. Gurandiano -- withdrawn.

14 Did Mr. Abromavage explain how  
15 he -- why he thought other people were aware  
16 that he had participated in the investigation  
17 into Mr. Gurandiano?

18 A. Yes. I believe he said he thought  
19 other people were aware.

20 Q. Did he say who he thought was  
21 aware?

22 A. I don't recall if he named anyone  
23 specifically.

24 Q. Was it concerning to you that other  
25 people would be aware of his participation in

1 C. Berti

2           A.       Because it came up in our meeting.

3                   Q.        In what -- in what context did it  
4        come up?

5                   A.        Can I read the document for a  
6    second --

7 Q. Of course.

8                   A.        -- around that?

9 (Pause.)

10 Can you repeat your question.

13 (Record read.)

14 Q. In what context did the reference  
15 to "FIG 1B" come up?

16           A.     It appears it's part of a statement  
17     that "meetings getting set up, part of team  
18     to be included and then not," and then it  
19     states, "FIG investment banking team."  
20     Perhaps that was the team that is being  
21     described as part of -- "team" being the  
22     investment banking team.

23 Q. Was Mr. Abromavage describing a  
24 potential move to FIG investment banking?

25 A. I don't know.

1 C. Berti

2 Q. You took these notes; right?

3 A. Yes.

4 Q. Is there anything else that would  
5 refresh your recollection as to what that is  
6 a reference to?

7           A.     Perhaps if I read further into the  
8     document, that might help.

9 (Pause.)

10 A. Reading the document refreshes my  
11 recollection that he was concerned that he  
12 had been part of meetings or a team to be  
13 included in meetings, and then he stated the  
14 "not involving FIG investment banking."

15           Q.       Was that involving a move from ECM  
16        to FIG investment banking?

17 A. I don't know.

18 Q. Turn to the next page. In the  
19 middle, it says -- not in the middle, toward  
20 the top. "Partner co-running ECM is JM.  
21 Never spoken about it. Returned for meeting  
22 where JM reprimanded by senior person in  
23 management. JM didn't say who it was."

24 Did I read that correctly?

25 MR. SMITH: "For" or "from"?

1 C. Berti

2 significant number to be aware of, and we did  
3 not have any names associated with that, so  
4 that was something that I wanted to note.

5 Q. "Given who was let go, have  
6 friendship with either other and aligned with  
7 JG." Is that a reference to the four with  
8 influence?

9 A. I don't know.

10 Q. Well, you took these notes; right?

11 A. I did.

12 Q. And you don't remember what -- what  
13 this meant?

14 A. NO.

15           Q.     If you look on 2556, the next page.  
16       It says, "Didn't tell anyone he participated  
17       and they didn't approach him. I may have  
18       deleted HR invite (half dozen admins and  
19       junior staff) in time before anyone saw re:  
20       JG investigation."

21 Can you explain what that means?

22           A.        Mr. Abromavage was stating this to  
23        us.  I don't -- I don't -- I don't know what  
24        your question is, what does this mean.  
25        Mr. Abromavage was stating to us what I

1 C. Berti

2 recorded here.

3           Q.     Did you ask him what he meant by  
4            that?

5 A. I don't recall.

6 Q. Was Mr. Abromavage concerned  
7 because a half dozen admins and junior staff  
8 were able to view his shared calendar where  
9 HR invites appeared?

MR. SMITH: Objection.

1 A. I don't know.

Q. When you write something down in your notes that you are not -- you don't know what it means? Do you not know what it means, sitting here today?

-6           A.       At the time, I probably would have  
-7       known how this information was elicited and  
-8       pertained --

Q. You can't remember now?

20 A. I can't remember now what  
21 specifically we were discussing or asking  
22 about at that point in time.

23 Q. This is a problem we have run into  
24 a few times, though, where you don't know  
25 what your notes mean.

1 C. Berti

2 MR. SMITH: Is that a question?

3 MR. VALLAS: It's an observation.

4 It does not call for an answer.

5 Q. A few lines lower: "A couple of  
6 departures. One tech (prior FIG), one FIG."

7 Do you know who these couple of  
8 departures are referring to?

9 A. No.

10 Q. "One tech (prior FIG)." Did  
11 Mr. Gurandiano work in FinTech?

12 MR. SMITH: Objection.

13 A. I believe he did.

14 Q. Could this be a reference to  
15 Mr. Gurandiano?

16 MR. SMITH: Objection.

17 A. I don't know.

18 Q. Did you know at the time?

19 MR. SMITH: Objection.

20 A. I don't know. There are no names  
21 here, so I can't -- I can't establish that.

22 Q. "One FIG," is that a reference to  
23 Niron Stabinsky?

24 MR. SMITH: Objection.

25 A. I don't know.

1 C. Berti

2 standard practice. I'm saying, specifically  
3 with reference to this complaint, do you  
4 remember what you did then?

5 A. No.

6 Q. Did you decide to take -- to  
7 interview employees about this complaint?

8 A. Yes.

9                   Q.        How did you decide who to  
10                   interview?

11 A. We determined who might have  
12 information that was relevant.

13                   Q.        How did you make that  
14 determination?

15           A.        By reviewing our notes of the  
16        meeting and the information Mr. Abromavage  
17        gave us.

18 Q. Did you review any documents other  
19 than your notes?

20 A. I don't recall.

21 Q. Who did you decide to interview?

22 A. We interviewed Jeff Mortara and  
23 Mark Hantho, Jeff Bunzel, John Eydenberg.

24 I don't remember if that was  
25 everyone.

1 C. Berti  
2 the first third of the page, it says,  
3 "Surprised that when JG said he had 65-pp  
4 lawsuit. JG prep'ing case v DB long time,  
5 aware of issue."

6 What is that a reference to?

7           A.       Something that Mr. Mortara told us  
8        in the interview.

9                   Q.        Do you know what he was referring  
10                  to?

11 A. No.

12 O. Did you ask him?

13 A. I don't recall.

14           Q.     Down at the -- halfway through the  
15        page on the left-hand margin, it says "JE,"  
16        and then next to it, there's a quote, "You  
17        should assume I know all that's being said,"  
18        close quote.

19 Is that a quote that Mr. Mortara  
20 was attributing to John Eydenberg?

21 A. I am not sure.

22 O. What aren't you sure about?

23 A. I'm not sure -- I guess --

24 O. Did Jeff --

25 A. -- it looks like JE refers to John

1 C. Berti

2 Eydenberg.

3 Q. Did Jeff Mortara tell you that John  
4 Eydenberg told him, "You should assume I know  
5 all that's being said"?

6 A. I don't know. That's what I don't  
7 know, whether Mr. Mortara is relaying to us  
8 that Mr. Eydenberg said that to him.

9 Q. You don't know one way or the  
10 other?

11 A. No.

12 Q. Is there anything that would  
13 refresh your recollection?

14 A. I don't know.

15 Q. You don't know if there is anything  
16 that would refresh your recollection?

17 A. No.

18 Q. At the conclusion of this  
19 investigation, did you draft a report?

20 A. Yes.

21 Q. Would this allegation have been  
22 included in your report?

23 MR. SMITH: Objection, privileged.

24 MR. VALLAS: It's a factual  
25 assertion. How could that be privilege?

1 C. Berti

2 interview with him about relevant information  
3 he might have in the investigation.

4 Q. How is this information relevant?

5                   A.        It was information we had been  
6 following up on from Mr. Abromavage's  
7 meeting.

8           Q.     In what sense? Well, you don't  
9 remember what it's about. How do you know  
10 what you were following up on?

11           A.       I don't -- you are asking me -- I  
12        know that we were looking into  
13        Mr. Abromavage's concerns about his  
14        involvement in the investigation, and I was  
15        recording information related to that from  
16        Mr. Mortara.

17           Q.     So, down at the -- at the -- down  
18        at the -- sort of close to the bottom, it  
19        says, "JM towed the line," T-O-W-E-D, "the  
20        line since."

22 A. I don't remember.

23 Q. "Towed the line" since what? You  
24 don't remember?

25 MR. SMITH: I think it's asked and

1 C. Berti

2 answered.

3 A. Yes. I don't remember.

4 Q. Is there anything that would  
5 refresh your recollection?

6 A. Not that I know of.

7 Q. On the next page, DB 2559, the  
8 fourth line down, there is two arrows, or  
9 it's an arrow next to which is the line, "JM  
10 thinks JE knew that they would be let go  
11 before they were."

12 Do you know who the "they" is in  
13 that sentence?

14 A. No.

15 Q. Do you know if that's a reference  
16 to Mr. Gurandiano?

17 A. I'm not sure.

18 Q. Were you sure at the time?

19 MR. SMITH: Objection.

20 A. I don't remember.

21 Q. Do you remember asking Mr. Mortara  
22 for clarification as to what he meant?

23 A. No.

24 Q. Did you ask him why Mr. Mortara  
25 thought that they would be let go?

1 C. Berti

2 A. I'm sorry. Could you repeat that.

3 Q. Did you ask Mr. Mortara why he  
4 thought JE knew they would be let go before  
5 they were?

6 A. I don't recall.

7 Q. In the bottom third of the page, in  
8 the left margin, there's the word "raised"  
9 with a colon. And it says, "JE -- you were  
10 not a team player, what were you doing?"

11 What is that a reference to?

12 A. I don't know.

13 Q. Was this an allegation that  
14 Mr. Eydenberg was accusing Mr. Mortara of not  
15 being a team player?

16 A. I don't know.

17 Q. You wrote this down, though; right?

18 A. Yes.

19 Q. And did you ask Mr. Mortara at the  
20 time for clarification?

21 A. I don't recall.

22 Q. Do you think it's important when  
23 you are conducting an investigation to  
24 understand what the interviewee is actually  
25 saying to you?

1 C. Berti

2 A. Yes.

3           Q.     So, what was your understanding of  
4     Mr. Eydenberg's communications with  
5     Mr. Mortara regarding Mr. Gurandiano's  
6     termination?

7           A.     I don't -- I don't know what his  
8     communications were.

9           Q.     Well, when we were talking about  
10        your interview with Mr. Abromavage,  
11        Mr. Abromavage alleged that Mr. Eydenberg  
12        reprimanded Mr. Mortara following  
13        Mr. Gurandiano's termination; is that  
14        correct?

15 A. I don't know. I would have to go  
16 back to the notes and check and refer to them  
17 again.

18 Q. You don't remember?

19 A. I don't remember if your question  
20 accurately reflects what my notes reflect.

21 Q. What did you do after you  
22 interviewed Mr. Mortara in connection with  
23 this investigation?

24 A. I don't recall.

25 0. You don't recall what you did next?

1 C. Berti

2 Q. Did you interview Richard Gibb in  
3 connection with this complaint?

4 A. I don't recall.

5 Q. Is there any reason why you  
6 wouldn't?

7 A. Yes.

8 0. What would be that reason?

9           A.       If we determined it wasn't  
10           necessary.

11       Q.       The second line from the bottom, it  
12       says, "Loyal players get resp." What does  
13       that mean?

14           A.     I am not sure. I believe that is  
15 something that Mr. Mortara relayed to us, and  
16 I believe "resp" refers to responsibility.

17 Q. So, he was saying that loyal  
18 players get responsibility.

19           A.       I recorded that, so I believe that  
20       is --

21 Q. Did you consider that to be  
22 relevant?

## 23 A Can T finish?

24 I believe that he would have told  
25 us something to that effect in the meeting.

1 C. Berti

2 Q. Did you consider that to be  
3 relevant to Mr. Abromavage's claims that he  
4 was being retaliated against for  
5 participating in the investigation into  
6 Mr. Gurandiano?

9 MR. VALLAS: Can you read that  
0 back.

11 (Record read.)

2           A.     Again, I'm not sure what it means,  
3     but we would have considered all the  
4     information that was provided to us as part  
5     of our investigation.

Q. When you say you would have considered it, do you mean when you drew your conclusions about the investigation?

9           A.     We would have reviewed all the  
10           information given to us during the  
11           investigation in order to reach a conclusion.  
12           So, it -- it was information that would have  
13           been reviewed.

24 Q. What was Mr. Mortara's role at  
25 Deutsche Bank?

1 C. Berti

2 A. He was a banker in the ECM group.

3 Q. What was his title?

4 A. He's a managing director.

5 Q. The next page says, "NA --

6 threatened by JG -- he'd be gone."

7 Is that a reference to the threats

8 that we discussed earlier?

9 MR. SMITH: Objection.

10 A. Excuse me. Could you repeat the  
question?

12 Q. Is that a reference to the threats

13 that we discussed earlier made by

14 Mr. Gurandiano against Mr. Abromavage?

15 MR. SMITH: Same objection.

16 A. I don't know.

17 Q. Do you know what it's in reference  
to?

19 A. It's information that Mr. Mortara  
provided us in our interview of him, and it  
relates to -- it relates to behavior by  
Mr. Gurandiano that was the subject of our  
investigation involving Mr. -- allegations  
against Mr. Gurandiano.

25 Q. Do you know what the specific

1 C. Berti

2 threats were?

3 A. No.

4 Q. Did you ask?

5 A. Did I ask who?

6 Q. Mr. Mortara, what he meant by this  
7 statement.

8 A. When?

9 Q. During this interview.

10 A. I don't recall. We interviewed  
11 Mr. Mortara during the Jason Gurandiano  
12 investigation as well, so I don't recall  
13 specifically what we asked him at what point  
14 in time.

15 Q. Is there a reason it's being  
16 brought up here?

17 A. I don't know.

18 Q. A couple lines down, it says, "NA  
19 frustrated because told not to do a few  
20 things. SPACS," S-P-A-C-S, hyphen, "JB knows  
21 who told NA not to go to things."

22 MR. SMITH: Objection.

23 Q. Did I read that correctly?

24 MR. VALLAS: What was the basis of  
25 your objection, by the way?

1 C. Berti

2 was in reference to?

3           A.       Not at this point, reading this,  
4        this statement, I don't.

5 Q. Is there anything that would  
6 refresh your recollection?

7           A.        Yes.  My notes of other interviews  
8        in the investigation.

9           Q. At the very bottom of the page,  
10          four lines from the bottom, it says, "MH, CC,  
11          JG -- all Canadian."

2 What is the significance of that?

## Q. Why?

6 MR. SMITH: Objection.

7 A. I'm not sure.

18 Q. What do you consider the purpose of  
19 these notes to be when you're conducting an  
20 interview? Why do you keep these notes?

21           A.        To record information that we  
22           gather as part of our interviews.

23 Q. To help you refresh your  
24 recollection?

25 MR. SMITH: Objection.

1 C. Berti

2 this now.

3           Q.       The next paragraph says, "NA told

4       MH after," underlined, "he went to HR, did

5       you hear what happened? MH on West Coast at

6       time, didn't say it was wrong thing to do,

7       just that it's important to know you did it."

-0 A. I don't know.

1 Q. Did you ask Mr. Hantho what that  
2 meant?

3 A. I don't recall.

Q. Is Mr. Hantho saying it's important to know -- for him to know that Mr. Abromavage had gone to HR?

7 A. I don't know if that's what he is  
8 saying or he's telling us that he said that  
9 to someone else.

Q. I'm sorry. Can you repeat that?

21 THE WITNESS: Can you repeat my  
22 answer?

23 (Record read.)

24 Q. You took these notes, didn't you?

25 A. Yes.

1 C. Berti

2 A. No.

3 Q. In the -- in the middle of the  
4 page, next to the date 3/15, it says, "JG  
5 heard thought" --

6 A. I believe it says "JE."

7 Q. "JE heard thought NA had brought  
8 complaint about JG. NA and JM caught up in  
9 it."

10 Do you know what that is a  
11 reference to?

12 A. I believe it's a reference -- yes.

13 Q. What's it a reference to?

14 A. I believe it's a reference to this  
15 SoFi issue that came up in the Gurandiano's  
16 prior investigation, because I noted SoFi at  
17 the top of "thought."

18 Q. It says, "NA had brought  
19 complaint."

20 Do you know what that means?

21 A. No.

22 Q. Did you ask Mr. Eydenberg what he  
23 was referring to, "NA had brought complaint"?

24 A. I don't recall.

25 Q. Did you ask Mr. Eydenberg how he

1 C. Berti

2 know.

3 Q. On the next page, 2570, it says in  
4 the middle of the page, "Post JG, JM, NA, Dan  
5 Jacobowitz, all expressed interest to be  
6 involved in some way. Don't think any of  
7 them did it with this motive."

8 What does that mean, "don't think  
9 any of them did it with this motive"?

10 A. Can I read the rest of the page?

11 Q. Of course.

12 (Pause.)

13 A. I don't know what that means, if  
14 that was your question.

15 Q. You don't know what this motive is  
16 in reference to?

17 A. No.

18 Q. Who is Dan Jacobowitz?

19 A. I don't know.

20 Q. Down at the bottom of the page, it  
21 says, "After Friday call, decided to  
22 terminate JG, executed Monday."

23 A. Is there a question pending?

24 MR. SMITH: Do you just want her to  
25 affirm that that's what it says?

1 C. Berti

2 A. RG I believe refers to Richard Gibb  
3 leaving for Asia, in a new role in Asia.

4 Q. What is the good idea?

5 A. I don't know.

6 Q. Who is the new FIG head?

7 A. I don't recall.

8 Q. And the last page, 2574.

9 Down at the bottom, it says,

10 "Vinnie and" -- do you know what that next  
11 word is?

12 MR. SMITH: Tahg, T-A-H-G. I  
13 think.

14 Q. Tahg?

15 A. I believe that is another banker.

16 Q. "JE told them to keep mouth shut,  
because JG's allegations of disparagement,  
think a lot of people were told."

19 What is Mr. Eydenberg talking about  
20 here?

21 A. I don't recall. I don't know that  
22 I -- no.

23 Q. Were a lot of people told about  
24 Mr. -- the allegations against  
25 Mr. Gurandiano?

1 C. Berti

2 MR. SMITH: Objection.

3 A. I don't know.

4 Q. Did you ask?

5 A. I don't recall.

6 Q. Is there anything that would  
7 refresh your recollection?

8 A. My recollection as to whether I  
9 asked, what? Mr. Eydenberg?

10 Q. Yes.

11 A. I don't -- not that I know of.

12 Q. Did you ever interview Vinnie? Who  
13 is Vinnie?

14 A. I believe Vinnie refers to Vinnie  
15 Badinehal.

16 Q. And did you ever interview  
17 Mr. Badinehal or Tahg?

18 MR. SMITH: At any point in time?

19 A. Yeah. I was just going to ask in  
20 reference to what?

21 Q. In reference to the fact that  
22 people were allegedly talking about  
23 Mr. Gurandiano's allegations.

24 A. Could you be more specific?

25 Mr. Gurandiano's allegations regarding what?

1 C. Berti

2 know. I don't know that that's established  
3 by what was written here.

4 Q. Did you ask -- this notation in the  
5 margin, question mark, "HR," did you ask  
6 whether or not Mr. Bunzel was referring to  
7 concerns that Mr. Abromavage had raised to  
8 HR?

9                   A.           I don't recall.

10 Q. Well, why would you put a question  
11 mark next to "HR" there?

12           A.     Because it might have been a  
13 question, or whether a question that was  
14 raised or a question as to how Mr. Bunzel may  
15 have heard of it.  It could be a number of  
16 things.  I can't really say why there is a  
17 notation there.  It just was a question about  
18 HR.

19 Q. Did Mr. Bunzel give this  
20 information in response to a question you  
21 asked?

22 A. Excuse me?

23           Q.     Did Mr. Bunzel make this statement  
24           in response to a question you asked?

25 A. I don't recall.

1 C. Berti

2 questions before a meeting, or an interview.

3 Q. Is this an example of that?

4 A. Yes.

5 Q. Can I turn your attention to  
6 page -- to Exhibit 21.

7 A. Yes.

8           Q.       These are questions for Mark  
9        HanTho.  And the first question:  "Aware of  
10       who participated in recent investigation re  
11       JG?"

15 Is that correct?

16 A. Yes.

17 Q. Does that refresh your recollection  
18 as to the question that Mr. Bunzel was  
19 responding to in Exhibit 25, where it says:  
20 "JG investigation, heard NA raised concerns  
21 about JG, not spoke to NA directly"?

22 A. Yes.

23 Q. How did Mr. Bunzel know

24 Mr. Abromavage raised concerns to HR?

25 MR. SMITH: Objection.

1 C. Berti

2 A. I don't know.

3 Q. Did you ask?

4 A. I don't recall.

5 Q. Was it concerning to you that  
6 Mr. Bunzel knew that Mr. Abromavage had  
7 raised concerns about Mr. Gurandiano to HR?

8 A. Not necessarily.

9 Q. Why not necessarily?

10           A.        Because I don't know -- I don't  
11        know if Mr. Bunzel replied that he learned  
12        that Mr. Abromavage raised concerns to HR  
13        about Mr. Gurandiano.

14 Q. Did you think it was important to  
15 find out?

16 A. Yes.

17 Q. And did you find out?

18 A. I can't recall.

19 Q. Is there anything that would  
20 refresh your recollection?

21 A. Yes. Looking at page 2576 at the  
22 top, the third line from the top.

23 Q. Um-hum. What does that read?

24 A. It says, "JB heard fr," from,

25 "Cana," and I can't understand what that is.

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2 Bank?

3 A. She was a senior banker that was  
4 starting at the bank at some point in March  
5 of 2016 in a -- in a -- heading a group whose  
6 name I don't recall.

7 Q. Was it FIG?

8 A. I don't recall her specific title,  
9 but she was someone who was coming to lead a  
10 group that was being discussed in this -- in  
11 this -- in this paragraph where I wrote about  
12 an opportunity.

13 Q. Do you understand the opportunity  
14 to be a reference to the move to FIG  
15 coverage?

16 A. I just want to read around that  
17 statement to help me refresh my recollection.

18 (Pause.)

19 A. I don't know.

20 Q. Up at the top of the page, four  
21 lines down, it says, "Earlier this year NA  
22 spoke with RG, others in FIG, banking  
23 coverage role."

24 Does that refresh your recollection  
25 about whether this opportunity referred to a

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2           A.       It is generally my practice, but I  
3    can't speak to this specific investigation.

4 Q. Do you remember what documents you  
5 reviewed in drawing the conclusion that you  
6 "did not find violation of our DB policies"?

7 A. No.

8           Q.     Would you have indicated what  
9       documents you relied upon to make that -- to  
10      draw that conclusion in your report?

11 MR. SMITH: Objection. I think we  
12 are going to object to any testimony  
13 regarding the contents of the report.

22 MR. SMITH: We are asserting the  
23 privilege over the contents of the report  
24 because it was provided to counsel in  
25 connection with providing legal advice.

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2 conclusion with my colleague.

3 Q. And as a result of that review, did  
4 you make a determination about whether or not  
5 Mr. Abromavage's account in his October  
6 complaint was credible?

11 MR. SMITH: That's true, too.

12 MR. VALLAS: I'm trying to get some  
13 clarity.

14 MR. SMITH: We have covered this.

15 Q. Let me ask it a simpler way, just  
16 so we can move on.

17 What was the basis for your  
18 conclusion that there was no violation of DB  
19 policies?

20           A.     My conclusions was based upon a  
21     review of all the information we received  
22     during the course of our investigation, and  
23     that included our interview of Mr. -- or our  
24     interview of Mr. Abromavage and any  
25     information he provided to us in the course

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2 of the investigation, as well as information  
3 from other sources as part of the  
4 investigation.

5 It was a review of a collection of  
6 information, so...

7 Q. If you had determined that the  
8 allegations made in Mr. Abromavage's  
9 October 20th complaint were true, would that  
10 have amounted to a violation of Deutsche  
11 Bank's policies?

12 MR. SMITH: Objection.

13 A. I don't know.

14 MR. SMITH: I just want to note for  
15 the record that we are at seven hours.

16 MR. VALLAS: I have probably about  
17 15 minutes left. We can get into an  
18 argument about whether or not I am  
19 entitled to it, but I think it would be  
20 probably better served just powering  
21 through.

22 MR. SMITH: Off the record for a  
23 minute.

24 (Discussion held off the record.)

25 MR. VALLAS: Can we go back on the